

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-5, 9-11, 13-20, 22, and 23 are presently active in this case.

Claims 1-5, 9-11, 17, and 23 have been allowed. Claims 15, 16, 20, and 22 have been indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the outstanding Official Action, Claims 13, 14, 18, and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by Stadler (U.S. Patent No. 2,511,380). For the reasons discussed below, the Applicant traverses the anticipatory rejection.

In the Office Action, the Stadler reference is indicated as anticipating each of Claims 13, 14, 18, and 19. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Stadler reference clearly does not meet each and every limitation of the independent Claims 13 and 19.

Claim 13 of the present application recites a nozzle for a burner comprising, among other features, a body having a plurality of inlet holes on a first end and a plurality of outlet holes on a second end, where each inlet hole is connected to a single outlet hole by a separate tube, and where all of the separate tubes in the body extend along a common plane. Claim 19

of the present application recites a nozzle for a burner comprising, among other features, a body having a plurality of separate tubes extending therethrough. The plurality of separate tubes each have an inlet hole on a first end of the body and an outlet hole on a second end, and all of the plurality of separate tubes in the body extend along a common plane.

The Applicant submits that the Stadler reference does not disclose a nozzle for a burner including a body having separate tubes where all of the separate tubes in the body extend along a common plane, as recited in Claims 13 and 19 of the present application. Accordingly, the Applicant submits that the Stadler reference does not anticipate Claims 13 and 19 of the present application. The use of separate tubes is advantageous in that it provides a structure that reduces the likelihood of cracking discussed with regard to the burner nozzle depicted in Figure 4 of the present application.

The Stadler reference describes a radiant cell burner including a body (9) of insulating or heat resistant refractory material. The body (9) includes an upper portion with a plurality of laterally spaced, longitudinally extending rows of wells (21). The body (9) includes a bottom portion with pair of laterally spaced, diagonally extending, oppositely inclined port-like ducts (22 and 23). The arrangement and oppositely inclined positioning of the ducts (22 and 23) form streams of gaseous fuel that enter the wells (21) and impinge against the lower portions of the side walls of the wells (21) and swirl upwards in loose spirals. (Column 4, lines 54-64.)

Firstly, the Applicants note that the tubes in Claims 13 and 19 are defined as extending from an inlet hole on a first end of the body to and outlet hole on a second end of the body, and the tubes are defined as being separate. The Stadler reference depicts passageways that include duct (22) with well (21), and passageways that include duct (23) with well (21). These passageways are not separate since they coexist at well (21).

Secondly, as can clearly be seen in Figures 1 and 3 of the Stadler reference, the various wells (21) and the various ducts (22 and 23) do not extend along a common plane. Figure 3 depicts a cross-sectional view of the body (9) in a plane taken along line 3-3 in Figure 1. However, as is evident from a review of Figure 1, there are at least five additional planes that have ducts (22 or 23) and well (21) therein. Figure 1 depicts three horizontal rows of ducts (22) and three horizontal rows of ducts (23). Each of these rows extends along different planes. To the contrary, Claims 13 and 19 of the present invention expressly recite that all of the separate tubes that extend through the body of the nozzle must extend along a common plane. The Stadler reference does not disclose or suggest such a configuration, and therefore does not anticipate Claims 13 and 19.

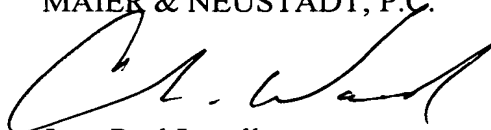
Claims 14 and 18 are considered allowable for the reasons advanced for Claim 13 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claim 13.

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Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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